



Reprinted
February 22, 2002

ENGROSSED HOUSE BILL No. 1133

DIGEST OF HB 1133 (Updated February 21, 2002 3:31 PM - DI 71)

Citations Affected: IC 20-9.1.

Synopsis: School buses. Makes changes to the voting and nonvoting members of the state school bus committee. Requires the committee to adopt rules allowing the display of the United States flag on school buses. Amends the definition of a special purpose bus to include a motor vehicle owned by a school corporation used to transport children that complies with the Federal Motor Carrier Safety Regulations and has certain other specifications.

Effective: Upon passage; July 1, 2002.

Frenz, Denbo, Duncan, Scholer

(SENATE SPONSORS — RIEGSECKER, LUTZ L, ROGERS)

January 9, 2002, read first time and referred to Committee on Roads and Transportation.
January 23, 2002, amended, reported — Do Pass.
January 29, 2002, read second time, amended, ordered engrossed.
January 30, 2002, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 1, 2002, read first time and referred to Committee on Education.
February 14, 2002, reported favorably — Do Pass.
February 18, 2002, read second time, ordered engrossed. Engrossed.
February 19, 2002, returned to second reading for amendment.
February 21, 2002, read second time, amended, ordered engrossed.

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EH 1133—LS 7152/DI 71+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1133

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-9.1-1-4.5, AS AMENDED BY P.L.278-2001,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4.5. As used in this article, the term "special
4 purpose bus" means any motor vehicle designed and constructed:

5 (1) for the accommodation of more than ten (10) passengers;

6 (2) that:

7 **(A)** meets the federal school bus safety requirements under 49
8 U.S.C. 30125 except the:

9 ~~(A)~~ **(i)** stop signal arm required under federal motor vehicle
10 safety standard (FMVSS) no. 131; and

11 ~~(B)~~ **(ii)** flashing lamps required under federal motor vehicle
12 safety standard (FMVSS) no. 108; ~~and~~

13 **(B)** when owned by a school corporation and used to
14 transport children, complies with the Federal Motor
15 Carrier Safety Regulations as prescribed by the United
16 States Department of Transportation Federal Motor
17 Carrier Safety Administration as set forth in 49 CFR

EH 1133—LS 7152/DI 71+



Chapter III Subchapter B; or

(C) when owned by a school corporation and used to transport children, is a motor coach type bus with a capacity of thirty (30) or more passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and

(3) that is used by a school corporation for transportation purposes not appropriate for school buses.

SECTION 2. IC 20-9.1-4-1, AS AMENDED BY P.L.46-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The state school bus committee is hereby created. The committee shall be composed of the following voting members:

(1) The state superintendent of public instruction, or the superintendent's authorized representative, who shall serve as chairman of the committee.

(2) The commissioner of the ~~state department of health~~, **bureau of motor vehicles**, or the ~~secretary's~~ **commissioner's** authorized representative.

(3) The administrator of the ~~special tax motor carrier services~~ division of the department of state revenue.

(4) The director of the ~~Indiana office of traffic safety~~; **governor's council on impaired and dangerous driving**.

(5) A ~~member of the executive committee~~ **school bus driver, appointed by the state superintendent of public instruction upon the recommendation** of the Indiana State Association of School Bus Drivers, Inc. ~~who has been selected by the executive committee of that association.~~

(6) A ~~member~~ **superintendent of a school corporation, appointed by the state superintendent of public instruction upon the recommendation** of the Indiana Association of Public School Superintendents. ~~who has been selected by the executive committee of that association.~~

(7) A member of the **governing body of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the** Indiana School Boards Association. ~~who has been selected by the board of directors of that association.~~

(8) A ~~member of the School Transportation Association of Indiana selected by the board of directors of that association.~~ **representative of the Indiana school for the blind or the Indiana school for the deaf, appointed by the state**



superintendent of public instruction.

(9) A member of the School Transportation Association of Indiana, appointed by the state superintendent of public instruction upon the recommendation of the School Transportation Association of Indiana.

(b) ~~The committee~~ state superintendent of public instruction shall ~~elect~~ designate a secretary from the department of education who shall keep the official record of the meetings and of official transactions of the committee. ~~The secretary shall serve for a term of one (1) year or until the secretary's successor has been duly elected and qualified.~~

SECTION 3. IC 20-9.1-4-2, AS AMENDED BY P.L.46-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The following non-voting members shall advise the voting members of the state school bus committee:

(1) A member of the Indiana Association of School Bus Distributors selected by the executive committee of that association.

(2) A member of the Indiana State Police selected by the state police superintendent.

(3) A member of the Indiana Transportation Association selected by the executive committee of that association.

(4) A member of the Indiana Township Association selected by the executive committee of that association.

(5) A school business official, appointed by the state superintendent of public instruction upon the recommendation of the Indiana Association of School Business Officials.

(b) No person shall be qualified to serve as a non-voting member of the committee until proper credentials of his appointment have been filed with the chairman of the committee. Each non-voting member shall be notified of all committee meetings and may attend each meeting and offer advice to the voting members of the committee.

SECTION 4. IC 20-9.1-4-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.7. (a) As used in this section, "committee" refers to the state school bus committee created by this chapter.

(b) The committee shall adopt and enforce rules under IC 4-22-2 that allow the display of the United States flag on a school bus operated by or on behalf of a school corporation. Rules adopted under this subsection must provide that a flag displayed on a

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- 1 school bus may not be placed in a manner that:
2 (1) obstructs the school bus driver's vision through the
3 windshield or any other window;
4 (2) impedes the school bus driver's operation of any
5 equipment; or
6 (3) distracts the attention of other motorists from the school
7 bus's warning lamps or stop signal arm when the school bus
8 is loading or unloading school children.
9 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, strike "member of the".

Page 1, line 16, after "committee" insert **"school bus driver, appointed by the state superintendent of public instruction upon the recommendation"**.

Page 1, line 16, reset in roman "of the Indiana State".

Page 1, line 17, reset in roman "Association of School Bus Drivers, Inc."

Page 2, line 1, delete "state police".

Page 2, delete lines 2 through 3.

Page 2, line 4, after "member" insert **superintendent of a school corporation, appointed by the state superintendent of public instruction upon the recommendation"**.

Page 2, line 4, reset in roman "of the Indiana Association of Public School".

Page 2, line 5, reset in roman "Superintendents".

Page 2, line 5, after "Superintendents" insert ".".

Page 2, line 6, delete "superintendent of a school".

Page 2, delete lines 7 through 8.

Page 2, line 9, after "the" insert **"governing body of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the"**.

Page 2, line 9, reset in roman "Indiana School Boards Association".

Page 2, line 9, after "Association" insert ".".

Page 2, delete lines 11 through 12.

Page 2, between lines 17 and 18, begin a new line block indented and insert:

"(9) A member of the School Transportation Association of Indiana, appointed by the state superintendent of public instruction upon the recommendation of the School Transportation Association of Indiana."

Page 2, line 31, reset in roman "Police selected by the state".

Page 2, line 32, reset in roman "police superintendent."

Page 2, line 32, delete "Association of School Bus Drivers, Inc."

Page 2, delete line 33.

Page 2, delete lines 38 through 39.

Page 2, between lines 39 and 40, begin a new line block indented and insert:

EH 1133—LS 7152/DI 71+



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"(5) A school business official, appointed by the state superintendent of public instruction upon the recommendation of the Indiana Association of School Business Officials."

and when so amended that said bill do pass.

(Reference is to HB 1133 as introduced.)

COOK, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1133 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-9.1-1-4.5, AS AMENDED BY P.L.278-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. As used in this article, the term "special purpose bus" means any motor vehicle designed and constructed:

(1) for the accommodation of more than ten (10) passengers;

(2) that:

(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

~~(A)~~ (i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(B) (ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108; ~~and or~~

(B) when owned by a school corporation and used to transport children, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; and

(3) that is used by a school corporation for transportation purposes not appropriate for school buses."

Renumber all SECTIONS consecutively.

(Reference is to HB 1133 as printed January 24, 2002.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1133 as reprinted January 30, 2002.)

LUBBERS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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EH 1133—LS 7152/DI 71+



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1133, which is eligible for third reading, be returned to second reading for purposes of amendment.

RIEGSECKER

 SENATE MOTION

Mr. President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1133.

RIEGSECKER

 SENATE MOTION

Mr. President: I move that Engrossed House Bill 1133 be amended to read as follows:

Page 1, line 12, delete "or".

Page 2, line 1, delete "and" and insert "**or**".

Page 2, between lines 1 and 2, begin a new line double block indented and insert:

"(C) when owned by a school corporation and used to transport children, is a motor coach type bus with a capacity of thirty (30) or more passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and".

(Reference is to EHB 1133 as printed February 15, 2002.)

RIEGSECKER

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